

REMARKSI. Status of the Claims

Claims 1-22 are pending. Applicant amends claims 1 and 17 and cancels claim 7. Claims 1 and 17 are amended to include the limitations of claim 7. Upon entry of the amendment, claims 1-6 and 8-22 will remain for consideration.

II. Response to the Rejection under 35 U.S.C. § 102(e) based on Sartain

Applicant notes the rejection of claims 1-6, 9-13, 17, 18, 21, and 22 under 35 U.S.C. § 102(e) as being unpatentable over Sartain (U.S. Pat. No. 6,765,074). Applicant agrees with the Examiner that claim 7 is not anticipated by Sartain and has therefore amended claims 1 and 17 to incorporate the limits of claim 7. As amended, claims 1 and 17, and all claims that depend from them, require a support treated with "about 0.1 to about 2 moles of organozinc compound per kg support." Applicant respectfully asks the Examiner to withdraw the rejection in view of the amendment.

III. Response to the Rejection under 35 U.S.C. § 103(a) based on Sartain

Applicant notes the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Sartain (U.S. Pat. No. 6,765,074). As indicated above, Applicant amended claims 1 and 17 to incorporate the limitations of claim 7. The Examiner might reasonably wonder whether claims 1 and 17 (as amended) remain rejectable under Section 103(a) in view of Sartain '074.

However, Sartain '074 can be disqualified as a reference under Section 103(c) because at the time Applicant made his invention, both the invention and the subject matter of Sartain '074 were owned by Equistar Chemicals, LP or were subject to an obligation to assign the invention to Equistar Chemicals, LP. A separate statement confirming this is attached.

Note that Sartain could only have applied as prior art under Section 102(e). Section 102(a) is inapplicable because both the April 1, 2004 early publication and July 20, 2004 issuance of Sartain occurred after Applicant's July 7, 2003 filing date. Moreover, Sartain '074 could not have been a statutory bar under Section 102(b) because the April 1, 2004 publication and July 20, 2004 issuance occurred after Applicant's July 7, 2003 filing date.

In view of the amendments and remarks above, Applicant respectfully asks the Examiner to withdraw the rejection.

IV. Response to the Rejection under 35 U.S.C. § 103(a) based on Sartain in view of Wang

Applicant notes the rejection of claims 14-16 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Sartain (U.S. Pat. No. 6,765,074) in view of Wang et al. (U.S. Pat. No. 6,559,251). As explained earlier, Sartain '074 can be disqualified as a reference under Section 103(c). Therefore, basis for the rejection founded on combined reference teachings is now lacking. The Examiner should reconsider and withdraw the rejection.

V. Response to the Rejection under 35 U.S.C. § 103(a) based on Sartain in view of George

Applicant notes the rejection of claims 7, 8, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Sartain (U.S. Pat. No. 6,765,074) in view of George (U.S. Pat. No. 4,370,456). Because Sartain '074 can be disqualified as a reference under Section 103(c), basis for this rejection is also now lacking, and the Examiner should reconsider and withdraw it.

# VI. Conclusion

In view of the remarks above, Applicant respectfully asks the Examiner to enter the amendment, withdraw the rejections, and pass the case to issue. Applicant invites the Examiner to telephone his attorney at (610) 359-2276 if he believes that a discussion of the application might be helpful.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box. 1450, Alexandria, VA 22313-1450 on January 7, 2005.

Jonathan L. Schuchardt  
Name of person signing

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Signature

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Respectfully submitted,

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Statement of Common Ownership

I certify that at the time the invention claimed in Appl. Ser. No. 10/614,615 was made, both the '615 application and the subject matter of U.S. Pat. No. 6,765,074 (Sartain et al.) were owned by Equistar Chemicals, LP or were subject to an obligation to assign the invention to Equistar Chemicals, LP.

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